



Office of the Deputy Prime Minister  
Minister for Agriculture and Water Resources  
Leader of The Nationals

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Ref: MO FOI 2016/17-13

Mr Jackson Gothe-Snape

By email: [foi+request-3324-737a7338@righttoknow.org.au](mailto:foi+request-3324-737a7338@righttoknow.org.au)

Dear Mr Gothe-Snape

I refer to your request for access under the *Freedom of Information Act 1982* (FOI Act) to:

*'all correspondence between the Minister's office, including the Minister, and the office of the CEO of APVMA, including the CEO, during February and March 2017'.*

**Decision on access to material requested under FOI**

I am authorised to make decisions under the FOI Act on behalf of the Deputy Prime Minister.

In determining your request, I have taken into account:

- the scope of your request
- the provisions in the FOI Act, and
- Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act (**FOI Guidelines**).

I have identified 14 documents that are official documents of a minister and within the scope of your request. Having considered these documents, I have decided to:

- grant access in full, to one document
- grant access in part, to 12 documents
- fully exempt two documents.

The schedule of documents at **Attachment A** summarises my decision as it applies to the documents covered by your request.

## **Exempt material**

### *Section 47G(1) - Public interest conditional exemption – business*

Under s 47G(1), a document is conditionally exempt if its disclosure would disclose information concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information:

- (a) *would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs...*

Document numbers 7 and 15 contain material about business affairs of a third party. Taking into account the nature of the information, being related to the registration status of a particular product. I consider that disclosure of this information would be unreasonable.

I have considered the public interest, as required under section 11A(5) of the Act. In considering release, I have decided that the protection of the third party's lawful business affairs, and preserving reasonably held expectations of confidentiality between the third party, the Deputy Prime Minister's Office and the APVMA, outweighs the public interest factors for disclosure.

### *Section 47F(1) – Unreasonable disclosure of personal information*

Section 47F(1) provides that a document is conditionally exempt from disclosure to the extent that it contains personal information the disclosure of which would be unreasonable. The FOI Act has adopted the definition of 'personal information' as set out in the *Privacy Act 1988* (the Privacy Act).

Section 6 of the Privacy Act defines 'personal information' as 'information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not, and
- whether the information or opinion is recorded in material form or not'.

Further, s 47F(2) provides that in determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency, in this instance, the FOI decision-maker, must have regard to:

- the extent to which the information is well known
- whether the person to whom the information relates is known to be (or have been) associated with the matters dealt with in the document
- the availability of the information from publicly accessible sources
- any other matters that the agency or minister considers relevant.

Twelve documents include personal information that I do not understand to be widely known nor in the public domain, including details of junior staff and personal contact details.

I have decided that disclosure of the material would involve the unreasonable disclosure of personal information of individuals. As such, I consider the material to be conditionally exempt from disclosure.

Section 11A(5) of the FOI Act provides that conditionally exempt material must nevertheless be disclosed unless the decision maker is satisfied that, on balance, its disclosure would be contrary to the public interest.

I do not consider the public interest factors in favour of disclosure are applicable to these details.

I consider that disclosure of the information could be expected to prejudice the protection of the individuals' right to privacy.

On balance it would be contrary to the public interest to disclose the information. I have, therefore, decided to exempt the material under s 47F(1) of the FOI Act.

### **Publication of information in the FOI disclosure log**

Section 11C of the FOI Act requires publication of released documents on the FOI disclosure log, subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable. I do not consider that any exception to publication applies and therefore the documents released to you will be available for access on the minister's disclosure log at <http://www.agriculture.gov.au/about/reporting/foi/disclosure-log-minister>.

### **Information on rights of review**

Under the FOI Act you may seek a review of my decision through a review by the Information Commissioner. An application for review to the Office of the Information Commissioner (OAIC) must be made in writing within **60 days** after the day you are notified of this decision. You can find information about requesting a review on the OAIC website [www.oaic.gov.au](http://www.oaic.gov.au).

Yours sincerely



Diana Hallam  
Chief of Staff

Y May 2017

Doc no.	Date	Pages	Document description	Decision
1	29/03/17	3	[Email] RE: Armidale Transition Office Opening	Part release. Personal information exempted under s 47F.
2	28/03/17	2	[Email] RE: Armidale business model	Part release. Personal information exempted under s 47F.
3	21/03/17	1	[Email] Armidale Transition Office update	Part release. Personal information exempted under s 47F.
4	10/03/17	28	[Email] APVMA draft senate submission (with attachment)	Release.
5	14/02/17	3	[Email] RE: APVMA Relocation Advisory Committee Meeting - Armidale	Part release. Personal information exempted under s 47F.
6	15/02/17	2	[Email] APVMA ANAO report	Part release. Personal information exempted under s 47F.
7	14/02/17	3	[Email] (with attachment)	Exempt under s 47G.
8	24/03/17	2	[Email] Apologies - disregard all my emails	Part release. Personal information exempted under s 47F.
9	30/03/17	3	[Email](with attachment) Original letter from Annabelle Duncan UNE	Part release. Personal information exempted under s 47F.
10	29/03/17	3	[Email] RE: Armidale Transition Office Opening	Part release. Personal information exempted under s 47F.
11	28/03/17	2	[Email] Armidale business model	Part release. Personal information exempted under s 47F.
12	23/03/17	1	[Email] Contaminated products	Part release. Personal information exempted under s 47F.
13	14/03/17	1	[Email] APVMA enterprise agreement - voting outcomes	Part release. Personal information exempted under s 47F.
14	10/03/17	73	[Email] APVMA Inquiry submission (with 5 attachments)	Part release. Personal information exempted under s 47F.
15	10/03/17	5	[Email] (with attachment)	Exempt under s 47G.

**GLOSSARY OF EXEMPTIONS**

s47F(1) - This document contains personal information, the disclosure of which would be unreasonable. Access to this information would, on balance, be contrary to the public interest.

s47G(1)(a) - This document contains the business information of an organisation and/or individuals, the disclosure of which could reasonably be expected to affect that organisation and/or person adversely in respect of their lawful business or professional affairs. Access to this information would, on balance, be contrary to the public interest.